

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
Williamsport Division

COLUMBIA GAS TRANSMISSION,
LLC,

Plaintiff,

v.

1.01 ACRES MORE OR LESS IN
PENN TOWNSHIP, YORK COUNTY,
PENNSYLVANIA, *et al.*,

Defendants.

Civil Action # 4:13-CV-00778-MWB

Hon. Matthew W. Braun

**MOTION TO SET HEARING DATE OR HOLD JOINT
STATUS CONFERENCE ON PLAINTIFF'S RULE 59(E)
MOTION TO ALTER, AMEND, AND/OR RECONSIDER JUDGMENT**

Plaintiff Columbia Gas Transmission, LLC ("Columbia"), by counsel, hereby moves the Court to set a hearing date on its Rule 59(E) Motion to Alter, Amend, and/or Reconsider Judgment or, in the alternative, for a status conference related to the same. In support, Columbia states as follows:

1. On December 13, 2013, Columbia filed a Rule 59(E) Motion to Alter, Amend, and/or Reconsider Judgment ("Motion to Reconsider").
2. The basis for the Motion to Reconsider is that the Federal Energy Regulation Commission issued a Final Rule on November 22, 2013, which

Columbia contends clarifies its powers of eminent domain and affects the Court's October 24, 2013 and November 15, 2013 Orders.

3. FERC issued the Final Rule one week after Columbia filed an appeal to the United States Court of Appeal for the Third Circuit.

4. The Third Circuit has stayed Columbia's appeal pending this Court's ruling on the Motion to Reconsider.

5. The parties jointly agreed to stay the appeal because they wish to have a complete record in this Court and to avoid the potential for two appeals: one appeal of the ruling on the cross-motions for summary judgment and a second appeal of the Motion to Reconsider.

6. Accordingly, disposition of the Motion to Reconsider affects the proceedings in this Court, the Third Circuit appeal, and Columbia's potential ability to proceed with its pipeline replacement project.

7. Therefore, Columbia requests that this Court set a hearing date for oral argument on its pending Motion to Reconsider.

8. Alternatively, if the Court believes this matter should be resolved without oral argument, Columbia requests that the Court hold a joint status conference to discuss the disposition of the Motion to Reconsider.

WHEREFORE, Plaintiff Columbia Gas Transmission, LLC respectfully requests that the Court set a hearing date on its Rule 59(E) Motion to Alter,

Amend, and/or Reconsider Judgment, or, in the alternative, hold a joint status conference regarding the Motion to Reconsider, and for such other relief as the Court deems just.

Dated: February 7th, 2014

Respectfully submitted,

/s/ John D. Wilburn

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of February, 2014 a true copy of the foregoing was filed electronically and thereby served on:

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